HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 3495 OF 2006

PETITIONER Ramashankar Prasad,
Son of Shri Brijkishore Sao, aged about 38 years, resident of Kurud Road, Kohka, Bhilai, District Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through - the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector, District Durg, (CG)
4. The Food Inspector, District Durg (CG)

WRIT PETITION NO.3496 OF 2006

PETITIONER Sajwat Hussain, aged about 40 years, son of Abdul Sattar, resident of Panchsheel School, Zone, 1, Sector-11, Khursipar, Bhilai, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through - the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector, District Durg, (CG)
4. The Food Inspector, District Durg (CG)

WRIT PETITION NO.3497 OF 2006

PETITIONER Lakhpati Sao,. son of Shri Rameshwar Sao, aged about 35 years, resident of Camp No.-1, Shastri Chok, Lalbahadur, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through - the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)

3. The District Collector, District Durg, (CG)
4. The Food Inspector, District Durg (CG)

WRIT PETITION NO.3498 OF 2006

PETITIONER Manishankar Prasad, aged about 42 years, son of Brijkishore Prasad, resident of Kurud Road, Kohka, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through - the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector, District Durg, (CG)
4. The Food Inspector, District Durg (CG)

Present : Shri T.K. Tiwari, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State/respondents.

ORAL ORDER

(Passed on 25th July, 2006)

All the writ petitions deserve to be allowed on a short ground. The petitioners are licence holders under the Chhattisgarh Kerosene Dealers Licensing Order, 1979 (for short 'the Licencing Order'). It is stated that the Food Controller, Department of Food & Civil Supplies, District Durg, the second respondent herein, in each of these writ petitions, without issuing any notice to the petitioners has suspended the licences granted to them. These writ petitions are filed complaining that the impugned orders passed by the second respondent are violative of mandatory provision of the proviso to Clause 10 of Licencing Order. The proviso to Clause 10 provides that no order of cancellation or suspension of licence shall be made under Clause 10 unless the licensee has been given a reasonable opportunity of stating his case against the proposed

cancellation or suspension, as the case may be. Therefore, the impugned suspension orders cannot be sustained in law.

(2) In the result, the writ petitions are allowed. The impugned order in each of these writ petitions is quashed. However, this order shall not come in the way of the second respondent from passing appropriate order after notice to the petitioners and giving them opportunity of being heard.

Sd/-
Chief Justice

Brajesh